

Appl. No. : 09/662,454
Filed : September 14, 2000

REMARKS

Applicant wishes to thank the Examiner Leffers for the courtesy extended to Nancy Vensko, attorney of record, on September 13, 2004. The Interview Summary Form PTOL-413 summarizes the discussion held at the personal interview. The present response to the outstanding Office Action includes the substance of the Examiner Interview and addresses the issues raised in the Office Action mailed 1 December 2004.

A. Disposition of Claims

Claims 58 to 66 are pending in the application. By this amendment, Applicant has canceled Claims 42, 45, 48, 51, 52, 53, 55, 56, and 57 without prejudice, and added Claims 58 to 66. This amendment is presented to make explicit that which was implicit in original Claims 1 to 12 and 41 and 43, and thus for reasons unrelated to patentability. Support for the amendment is found throughout the specification, for example, 4:32 – 5:21 and in original Claims 1 to 12 and 41 and 43. Applicant acknowledges that Claims 42 and 45 are allowed. As shown in the chart below, these Claims 42 and 45, as well as Claims 52, 55 – 57, have been replaced by Claims 58, 59, 62, and 64 - 66 (verbatim). Also as shown in the chart below, Claims 48, 51, and 53 have been reformatted as Claims 60, 61, and 63. No new matter has been added. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Canceled Claim	New Claim
42	58
45	59
48	60
51	61
52	62
53	63
55	64
56	65
57	66

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B. Compliance with 35 USC 112, first paragraph

The Patent Office rejected Claims 48, 51-53, and 55-57 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The rule is that the specification must describe the invention throughout its full scope. Here, the claims have been reformatted to convey to one skilled in the art that the inventors were in possession of the claimed invention. Indication of what is obtained from a nucleic acid encoding SEQ ID NO: 3 has been clearly delineated. The conclusion is the claims are in compliance with 35 USC 112, first paragraph.

C. Compliance with 35 USC 112, second paragraph

The Patent Office rejected Claims 48, 51-53, and 55-5 under 35 USC 112, second paragraph, as being indefinite. The rule is that the claims must be definite. Here, the claims have been reformatted to set forth the metes and bounds of protection unambiguously. Indication of what is obtained from a nucleic acid encoding SEQ ID NO: 3 has been clearly delineated. The conclusion is the claims are in compliance with 35 USC 112, second paragraph.

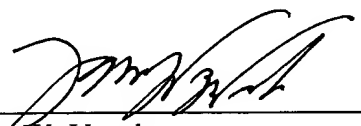
CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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